

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:		Kauaʻi Police Commission		Meeting Date	April 28, 2017
Location	Mo`ikeha Building – Meeting Room 2A/B			Start of Meeting: 9:00 a.m.	End of Meeting: 11:13 a.m.
Present	Chair Mary K. Hertog; Members: Catherine Adams, Savita Agarwal, Kevin Mince, and Roy Morita. Also present: Board & Commissions Office Staff: Support Clerk Mercedes Omo; Chief Executive Officer Paula Morikami; Office of the County Attorney: Deputy County Attorney Peter Morimoto; Police Department: Deputy Chief of Police Michael Contrades; Assistant Chief Robert Gausephol and Sergeant Stacey Perreira.				
Excused	Vice Chair Gerald (Chip) Bahouth and Commissioner Donald (Moki) Okami Sr.				
Absent					
SUBJECT		DISCUSSION			ACTION
Call To Order					At 9:00 a.m. Chair Hertog called the meeting to order with five (5) Commissioners present constituting a quorum. Chair Hertog noted for the record that Commissioners Bahouth and Okami have excused absences.
Chair’s Comments		Chair Hertog asked if there was anyone in the audience who wished to give testimony on any of the agenda items. There was no testimony.			
Public Hearing for proposed rule amendments to the KPC Rules on Administrative Practice and Procedure		Since there was no public testimony, Chair Hertog called for a motion to close the Public Hearing.			Ms. Adams moved to close the Public Hearing. Ms. Agarwal seconded the motion. The motion carried 5:0.

SUBJECT	DISCUSSION	ACTION
Approval of Minutes	Regular Open Session Minutes of March 24, 2017.	Mr. Morita moved to approve the meeting minutes of March 24, 2017. Ms. Agarwal seconded the motion. The motion carried 5:0.
Chief's Monthly Reports	<ol style="list-style-type: none"> 1. Administrative and Technical Bureau Report 2. Investigative Services Bureau – General Crimes/Major Crimes Section, Special Focus Section, Community Relations Unit and Vice Unit Section 3. Patrol Services Bureau Monthly Reports 4. Community Oriented Policing Traffic/Districting Reports for Līhu‘e, Kawaihau and Waimea 5. Community Oriented Policing Report for Dispatch/Cellblock 6. Chief's announcements and pertinent updates (Spillman RMS; Manpower study by Matrix; Asset Forfeiture review and Traffic Safety Monitor Job Description. <p>Mr. Mince asked if the thirty-two pages that make up the reports are done merely for the Commissioners or for the Chief's office. Deputy Chief Contrades shared that he recently met with Chair Hertog and Vice Chair Bahouth to discuss a proposal to streamline the reports. Chair Hertog added that although it's always great to read about the nice things the Department and its employees are doing, they all felt streamlining the reports would make it more comprehensive with less pages.</p> <p>Assistant Robert Gausephol briefed the Commissioners on the Alarm Ordinance Tracking and Billing System which will allow KPD to track and bill false alarms of both residential and business alarms. According to A/C Gausephol, the County has 300 registered alarm users and as soon as they finish inputting all of the data into the system, they will be able to run a test to make sure the system is running properly, and if everything checks out, they will do a public service announcement to inform the community and businesses about the ordinance, as well as reach out to the alarm companies and request that they supply a list of their customers so they</p>	

SUBJECT	DISCUSSION	ACTION
	<p>can cross-reference the data.</p> <p>Sergeant Stacey Perreira gave a brief PowerPoint presentation on the Department's new Spillman Records Management System. She summarized and provided a copy of the Spillman Implementation - Go-Live Date December 5, 2016 Report. According to Sergeant Perreira, the system, among other things, would enable the field officer via their laptop the ability to interface with the various programs such as the Viper West/Intrado, dispatch recording, run driver's license and NCIC queries through dispatch and mobile terminals, transfer electronic data to the State's booking system among other things. The field personnel will also be able to use the Spillman Touch to complete a wide-range of tasks, including searching for real-time data on names, vehicles, properties and incidents; review dispatch assignments and access to calls and critical information.</p> <p>Deputy Chief Contrades stated that relative to the Matrix workload study, the Department would have to extend the contract for another year because the data that was previously provided to Matrix was not accurate, but with the new Spillman RMS System, they will have the opportunity to provide Matrix with the correct data hopefully by the end of the year.</p> <p>Chair Hertog asked if the Department has a line item in their budget to enable them to extend the contract to which Deputy Chief Contrades replied KPD is still trying to negotiate the cost to extend the contract for another year.</p> <p>Relative to the Traffic Safety Monitor Job description, Deputy Chief Contrades reported that the Department is close to finalizing the duties and responsibilities and once that's done, the Department of Human Resources would need to complete the job description specifications in order for KPD to meet with SHOPO. In regard to the Asset Forfeiture Funds Program, Deputy Chief Contrades gave a detailed description of what the program entails, which basically means the monies obtained through the program comes from drug related activities and can be used to off-set the officers' salaries. One in particular is the Cops grants where a portion of the asset forfeiture monies were used to off-set the salaries for the six (6) officers. Chair Hertog</p>	

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	asked who provides oversight relative to the purchases the Department makes to ensure that the money spent on a purchase is authorized to which Deputy Chief Contrades replied the Chief of Police.	
Business KPC 2016-17	<p><u>Final report by the Permitted Interaction Group (PIG) on its recommendations to host the 2017 State of Hawai'i Police Commissioners' Conference on Kaua'i. (On-going)</u></p> <p>Chair Hertog provided the Commissioners with a draft copy of the conference program. The conference is set for May 11 and 12 at the Kaua'i Marriott Resort Spa and Beach Club in Lihu'e. Registration starts at 7:30 a.m. followed by opening ceremonies at 9:30 a.m.</p>	
KPC 2017-05	<p><u>Report by the Permitted Interaction Group (PIG) on creative financing for the recovery of costs for services provided by the Kaua'i Police Department.</u></p> <p>County Attorney Mauna Kea Trask briefed the Commissioners on the challenges they would face in order to make the recovery of costs for services happen. One challenge in particular deals with making changes to State of Hawai'i statutes.</p> <p>Mr. Mince asked if the current enabling legislation for the recovery of costs for emergency operations would apply in this situation. Mr. Trask stated that recovery for rescue expenses is an existing State and County statute which allows the counties to collect a fee for a rescue. As an example, in December 2016, there was an incident at the Wailua River where a person went on a Kayak trip and died in which both the Police and Fire personnel was called in to respond and from that response, County was able to collect \$1,900.00 for that incident. However, when it comes to the day-to-day operations, the Department cannot legally use the rescue expense to justify the expense because it's separate and apart.</p> <p>Mr. Mince asked because the State law specifically talks about the day-to-day operations, as a County, is that something the County simply wrote into its ordinance. Mr. Trask stated that the County amended its ordinance to mirror the State law because of a discrepancy whereby the County was using gross negligence and the State does not.</p>	

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	<p>Mr. Trask shared that there are vast amounts of agencies, to his understanding, who are willing to pursue this option as well and they include the outer island Police Commissions, Mayors, County Councils, Police Department and SHOPO.</p>	
KPC 2017-06	<p><u>Discussion on the Police Department's budgetary goals for FY 2017-2018 and related matters.</u></p> <p>Deputy Chief Contrades stated that in addition to the meeting Administration's directive to submit a flat budget, the Department had other budgetary needs which had to be included in their supplemental budget. The request for additional funds would be used to cover the department's bi-annual physicals as required by contract, utilities for the use of the Kapa'a Armory substation which amounts to under \$30,000 a year, an office expansion to the detectives work area, subsidized vehicles including a request for \$100,000 of assets forfeiture funds for training and equipment and an additional \$10,000 for KPD's Peer Support Program.</p> <p>In regard to the Department's overtime budget, Deputy Chief Contrades stated that the Administration for the most part has been very strict and stringent but as they continue to fill the vacancies another reassessment needs to be made to the overtime.</p> <p>Relative to the March report, Mr. Morita thanked Lieutenant Trent Shimabukuro and his officers for doing an outstanding job enforcing the law.</p> <p>On a side note, Deputy Chief Contrades thanked Mayor Carvalho for submitting a \$6 million bond request on behalf of the Department for a new Kawaihau substation.</p>	
Announcements	<ul style="list-style-type: none"> • Next regular monthly meeting - Friday, May 26, 2017, 9:00 a.m. at the Mo'ikeha Building, Meeting Room 2A/2B. Executive Session to follow. 	

SUBJECT	DISCUSSION	ACTION
Executive Session	<u>Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to review and discuss charges brought against an officer or employee of the County, where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to the following agenda items:</u>	At 9:45 a.m. Ms. Agarwal cited the Hawai'i Revised Statutes to bring the meeting into Executive Session.
ES KPC 2017-005	<u>Chief Perry's monthly update on the status of the Department's disposition on formal notarized complaints that were filed with the Police Commission and forwarded to the Office of the Chief for further review. (On-going)</u>	
ES KPC 2017-006	<u>Briefing on any significant adverse incidents/events involving KPD personnel that could potentially impact the County, Commission and the Kaua'i Police Department. (On-going)</u>	
ES KPC 2017-013	<u>Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve the Executive Session minutes of March 24, 2017, and to consult with its attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and/or liabilities as they may relate to this agenda item.</u>	
ES KPC 2017-014	<u>Pursuant to Hawai'i Revised Statutes §92-4 and §92-4 (a) and (4), the purpose of this Executive Session is to discuss the County of Kaua'i Grievances and Complaints Policy for Department Heads that can be removed by the County Boards and Commissions. This consultation involves consideration of powers, duties, privileges, immunities and/or liabilities of the Kaua'i Police Commission as they may relate to this agenda item.</u>	Ms. Adams moved to enter into Executive Session. Mr. Morita seconded the motion. The motion carried 5:0. At 9:48 a.m. the Commission entered into Executive Session.

SUBJECT	DISCUSSION	ACTION
Return to Open Session	At 11:12 a.m. The Commission reconvened in Open Session. Chair Hertog called for a motion to ratify the actions taken in Executive Session.	<p>Ms. Adams moved to ratify the actions taken in Executive Session. Mr. Morita seconded the motion. The motion carried 5:0.</p> <p>ES KPC 2017-005: Monthly Update</p> <p>ES KPC 2017-006: Monthly Update</p> <p>ES KPC 2017-013: Motion carried 5:0 to approve the Executive Session meeting minutes of March 24, 2017.</p> <p>ES KPC 2017-014: The Commissioners were briefed by County Attorney Mauna Kea Trask on the proposed County of Kaua‘i Grievances/Complaints Policy for Department Heads that can be removed. (On-going)</p>

SUBJECT	DISCUSSION	ACTION
	<p>Chair Hertog read into the record public announcements for the following notarized complaints:</p> <p><u>Notarized Complaint KPC 2017-001</u> After a diligent inquiry by the Commission, in which the Commissioners reviewed the footage and audio obtained from the Body Worn Camera, the Kaua'i Police Commission determined that there was insufficient evidence to support the allegations in the complaint. All parties have been notified in writing of the Commission's decision. This officially concluded the Commission's review of notarized complaint KPC 2017-001.</p> <p><u>Notarized Complaint KPC 2017-002</u> After a diligent inquiry by the Commission, in which the Commissioners reviewed all available materials, the Kaua'i Police Commission determined that there was insufficient evidence to support the allegations in the complaint. All parties have been notified in writing of the Commission's decision. This officially concluded the Commission's review of notarized complaint KPC 2017-002.</p>	
Adjournment		<p>Ms. Adams moved to adjourn. Mr. Morita seconded the motion. The motion carried 5:0. At 11:13 a.m. the meeting adjourned.</p>

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Mary K. Hertog, Chair

- (x) Approved as circulated on May 26, 2017
- () Approved as amended. See minutes of _____ meeting.